

10-21-1982

Hastings Law News Vol.16 No.1

UC Hastings College of the Law

Follow this and additional works at: <http://repository.uchastings.edu/hln>

Recommended Citation

UC Hastings College of the Law, "Hastings Law News Vol.16 No.1" (1982). *Hastings Law News*. Book 127.
<http://repository.uchastings.edu/hln/127>

This Book is brought to you for free and open access by the UC Hastings Archives and History at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Law News by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

Hastings Law News

Volume 16, Number 1 University of California, San Francisco

Hastings College of the Law October 21, 1982

JUSTICE CRUZ REYNOSO ENDORSES PILF

by Mark Windham

California Supreme Court Justice Cruz Reynoso was the keynote speaker at the Public Interest Law Foundation's (PILF) annual membership meeting on October 12. Justice Reynoso emphasized the importance of public interest law and endorsed Hastings students' efforts to ensure its survival. He said that the time to act was *in the present* because any procrastination would almost guarantee future inaction for the support of public interest activity. PILF hopes that Reynoso's address will encourage more Hastings students to join so that it can fund new public interest law projects.

PILF is now in a critical stage of its development. Founded in 1978, PILF became active in 1980 and made its first grant in 1981 to students Mary Pryor and Nancy Walker for their work with WOMAN, INC. which supplies legal aid to battered women. Early this year, PILF undertook a major membership drive and doubled its resources. As a result, PILF was able to make three grants to law students for their work with the Tenderloin Housing Clinic, Senior Adults Legal Assistance, and the San Francisco Lawyer's Committee for Urban Affairs.

continued on page 7

McALLISTER TOWER OPENS TO RAVE REVIEWS

by Susan Yee

Hastings students now have the option of living in McAllister Tower which is the student apartments owned by Hastings College. I remember wishing I had that option last year when I was trudging up and down the hills of San Francisco, trying to find a convenient, safe, and reasonable apartment. I could have saved time and energy (not to mention my feet) had the student apartments been available.

When McAllister Tower finally was ready for occupancy this past summer, I had decided that the area around Hastings wasn't exactly scenic or safe. For that reason, I decided not to live in the Tower. Besides, much as I loved law school and its *happy* environment, I thought living so close to school and being with so many other law students — particularly around exam time — would be too much of a good thing.

I was curious to find out why anyone would decide to live in McAllister Tower. Quite a few people did make that decision. Elizabeth Lau, a staffperson at Milton Meyer Co., noted that out of the 248 units in the building (three of which are handicapped units), 172 are rented. The studios and efficiencies are more quickly rented than the one-bedrooms.

Naturally, most of the residents are Hastings students. About 165 are first year students. There are possibly less than 10 second years and less than 10 third years living in the Tower. There are a few non-Hastings students, i.e. students from other schools in the area, spouses and children of Hastings students.

Security is very tight, which is easy to see if you try to get into the building. A 24-hour guard has to buzz you in through the outside doors which are always locked. Visitors have to sign in and out. You then have to be buzzed through a second set of doors in order to get to the elevators. In addition, another guard patrols each of the floors.

A seven-day building engineering service is located in the building. There are laundry facilities on the first floor. And while you're waiting for your laundry to dry, you can expend a few more quarters on the video games next to the laundry.

McAllister Tower sounded livable, after all. After talking to a random sample of resident students, McAllister Tower sounded even better.

First, people kept *enthusiasing* about the convenience. Where else could you wake up at 9:36 and still get to your 9:40 class . . . late? Actually, living in the Tower does enable you to get to classes quickly and to study late at the library, without worrying about a late-night mugging at your bus stop.

People also liked their apartments. Since the Tower just opened, the rooms are all completely new and refurbished. There are rugs and drapes, a garbage disposal in the sink, an oven and a full-length mirror on the door. The view, depending on your apartment, could be a spectacular one.

One first year said it was very easy to meet people. The people on his hall, who were all first years, would leave their doors open and play poker Saturday. Other people also commented that it was easy to meet people in the halls or elevators. A few people said that it wasn't easy to meet people as no one kept his or her door open on their particular hall.

A third year commented that living with other law students was, in her opinion, an asset. When she lived with non-law school people, phones were con-

continued on page 7

Hastings B.A.T.C.H.: Off To Solid Start

by Robin Steele

Over one hundred students participated in the first meeting of the Business and Tax Club at Hastings (BATCH) on September 10, in which a panel of four tax practitioners discussed possible careers in tax and business law.

BATCH was organized by three third-year students and is sponsored by tax faculty members, Peter Maier and William Hutton. Phil Feldman, one of the student organizers, said that the purpose of the club is to provide students with a chance to meet and discuss various aspects of the practice of business and tax law as well as to gain insight into career possibilities.

The first speaker, Carolyn Cotter, talked about a career with Arthur Young, a large accounting firm. The practice at Arthur Young consists mainly of filling out individual tax forms and there is practically no writing, aside from an occasional opinion letter, said Cotter.

In hiring the firm looks for an accounting background, an LLM degree or a CPA degree. New employees are trained extensively and encouraged to participate in MBA or LLM programs. Tuition for such programs is picked up by the firm. Cotter said that these benefits are thought to offset the disadvantage of Arthur Young's low starting salaries.

The second speaker was Alan Levinson, a tax lawyer with Bank of America. Attorneys for Bank of America have many of the same responsibilities as attorneys in private practice. They write, advise, research, negotiate, etc. However, there is one large difference. An attorney at B of A has only one client—the Bank of America. The work at B of A is very specialized and attorneys generally develop an expertise in one particular area, Levinson said. Bank of America does not have a training program associated with it.

continued on page 6

Letters

Diversity: The Forgotten Factor in Admissions

by Sara Sanderson

Hastings is a state institution that is supported by taxpayers and in return owes an obligation to prepare lawyers to serve people in all communities. Part of this obligation entails participation in the Legal Education Opportunity Program (LEOP), a program established by the Legislature to provide persons from disadvantaged backgrounds with the opportunity to attend law school. As I enter my third year, I wonder whether Hastings is *genuinely* committed to seeking out a diverse student body and whether it is genuinely committed to LEOP.

continued on page 7

The Nuclear Arms Race is Already Killing Us



Without a bullet having been fired, without a bomb having been dropped, without a missile having been launched it can truthfully be said that the arms race is already killing us.

HASTINGS LAW NEWS

EDITORIAL BOARD POSITIONS AVAILABLE

Submit name, locker number,
phone number, brief discussion
to Student Information Office
mail box

EDITORIAL

SERVING PEOPLE — THE ROAD NOT TAKEN

An educator L.D. Rue opined, "Singular interest has led a generation of students to approach the matter of education with the mien of consumerism". What was disturbing to Professor Rue was what he saw as an unhealthy resurgence of materialism so unreal that "while the rest of the world [was] preparing for less...a larger number of American students are preparing for a life of unprecedented affluence". What became of the generation of youth bent on "working for peace and justice within the system and not in the streets"? And why has vocationalism taken hold of another generation which finds its educators bewildered as they "sit by, watch[ing] their most talented students engage in creative career design...for maximum marketability?"*

In the same vein, why is it the case that many of the so-called "best and brightest" talents within our nation's law schools become so easily mesmerized by the promise of lucre thereby following the herdlike procession into the conclaves of privilege and prestige firms? What becomes of the sincere words and statements of purpose that purportedly brought us to law school?

Our legal education may have much to do with the conditioned responses we see before us. The control that is exercised over students is thorough. We are quickly weaned away from competing sources of understanding. Only legal analyses carry full weight while the interdisciplinary scrutiny of the social sciences are implied to be deficient. A ritual of intimidation, destabilization, and humiliation leads to the loss of confidence in our identity and valued beliefs. The willingness to question and if need be challenge assumptions finds little support. We are more likely to find comfort and security in mimicry and laying low. Derrick Bell, Law School Dean at the University of Oregon, lamented, "The goal is to get a degree, to avoid all confrontations with persons in authority, and to defer service activities and good works until you are well established in your practice." But it becomes for many a lifetime pattern of deferment and avoidance.

From self-doubt we seek the constancy of pack, and then it is a matter of feeling good about getting the coveted second interview, and the megabuck summer that may await. Why are the large firms so attractive? It is because our resources and placement services are so structured that the large firms find a greater welcome than other sources of employment. Law schools mark their own merit by the numbers employed by prestigious law firms.

Clinton Bamberger offers additional insights to our legal conditioning. "Law school made us insecure in the ordinary law; the law for ordinary people...We practiced at writing appellate briefs, but not much at the things ordinary people, not corporations and rich people, needed done . . . We found ways to preserve inheritances beyond four generations, but not how to increase the public benefits of an abandoned grandparent; [nor] do we practice drawing a

lease for the corner store [nor] teach tenant's rights to a landlord's judge".

★

★

★

It was the desire to learn to do good that brought many of us to law school; but in the end we may leave only knowing how to do well. It is however not too late to recover our tracks on that road to Justice. The practice of law for ordinary people, and not for impersonal institutions of wealth and power, finds its fulfillment and ultimate challenge in the stewardship role of protecting the rights, dignity, and power of the under-represented. It is an option worthy of our attention in the coming weeks and months, even if our legal institutions and schools are decidedly indifferent.

*The Chronicle of Higher Education, September 8, 1982.

DELAY NO MORE

We need not only study from textbooks but also study the institution we are most familiar with — Hastings College of the Law, for there are stories to be told and retold, and lessons to be drawn from experience.

Our law school, consisting of two buildings — these modern box containers with their clean lines and polished surfaces, appear placid and innocuous to the eyes of newcomers and passersby.

But there is a decade-old history of spillage — gross spillage. It is a story of a local Goliathan whose belching power sent splintering shock-waves through the Tenderloin by uprooting several hundreds of community residents to make room for a planned Law Center Project. (See p. 8.)

The displaced residents, many elderly and low-income, were sent packing to find new homes in this low-vacancy city, having to plough new roots, and to try to forget the trauma of a family neighborhood dismembered.

Currently, Hastings is appealing last April's decision by SF Superior Court Judge Dearman. The decision in *McKeon et. al. vs. Hastings* required that the school provide 375 units of "comparable" replacement housing for the displaced poor and elderly tenants.

Do not postpone or delay with legal maneuvers any longer. Hastings must own up to its institutional responsibilities to the community wherein it lies. It has been a costly lesson to learn, involving the livelihoods of many, and spiraling legal fees for both sides. It is time to mitigate the damages, not to merely chip away at the legal minimum of duty already adjudicated.

Editor-in-Chief Jackson Chin

Contributing Editor: Sarah Backus

Contributors John Hughes

Bill Robatham

Robin Steele

Reuben Togiati

Mark Windham

Susan Yee

The Law News solicits points of view from all students, faculty, administration and alumni. Letters are welcome. Advertising rates available upon request.

A GRADUATION FAREWELL SPEECH TO THE CLASS OF 1982

by Professor Paula Downey

George Eliot in her most famous book, *Middlemarch*, wrote: "The reward of duty is the power to fulfill another". Speaking as they do of cycles—of climbing one mountain only to find another and yet another—these words must be sobering to those of you who are today on top of a mountain. Eliot's words are also cheering for the reason that you *learn*. From each mountain climbed you become better able to climb the next.

It might be useful to look back on the duty just fulfilled, the mountain just climbed, to see what you have learned that you may take with you. First, of course, are the skills in lawyering. I praise you as have the others in that acquisition of skills. But there are four other lessons that you might take with you as you leave law school.

The first lesson is that you must be involved. Many students simply endured the years of law school, as something to be "gotten through". Returning to the metaphor, many of you climbed the mountain thinking only of the peak not noticing nor exhilarating in the journey.

For some this lack of involvement may have been a repetition of earlier journeys. You may have endured college, or marked time in dead end jobs prior to law school.

There is a danger that this pattern will be continued. You may say to yourself, "Just

came and asked to be pitied.

We do almost grow new hands and eyes in law school. There is a danger when in learning new skills we find other parts of us in atrophy. Recall your discomfort in class when the old that you valued was relegated to second, if any, place in the classroom. A colleague Caleb Foote warned that these are "at once the glories and the dangers of a legal education".

Be alert to the dangers. It will not be easy to emerge from this tour of duty with the old self intact. Find your old dreams, your old values, your old abilities, and take them with you as you set out to be a lawyer.

The third lesson deals with your response to diversity. One of the benefits of attending Hastings was the discovery of a diverse community; where people were distinguished by their cultural heritage, color, sex, or the transient factors of age, wealth, skill and power.

All of you heard in the classroom the ideas of those whose lives were somehow different from your own. Some of you found encouragement from faculty or classmates to listen further. To hear the reasons beneath the ideas. A few of you cared enough to track down the *feelings*—the pains, concerns, and fears—that lay behind the reasons to the ideas.

How did you respond to diversity? Did you choose isolation and the least involvement with others different from yourself or was it to choose sharing, caring, and learning?

It is very important to think of your response. As a lawyer it will be easier than ever to isolate yourself—to spend time with those who think like you, look like you, live like you...

By choosing isolation you sever the source of much learning. The business of law is people. Cardozo explained, "You must study mankind for there are the lives a lawyer must order and, to order with wisdom, must know".

Secondly, hatred, prejudice, arrogance, and most of all, fear grow in isolation. Said Cardozo, "Law is the medium by which society represses conduct which awakens fear". MacDonnell observed, law was used

to "sanctify the prejudices and hatreds of the hour". Will the unpopular, the bothersome, the different, or the alien fare any better today than did Socrates or Joan of Arc if we do not avoid isolation?

The final lesson was probably most obvious to you but it is one that I had to learn in my tour of duty. The first three lessons are not enough; you are responsible for more than how you treat people in your individual capacity.

Remember you will be a part of something larger—whether it be a law firm, an agency, a collective, a corporation, a profession. You must take responsibility for how your institution treats people, for institutions too must be socially responsible. Those of us who people institutions must help own the decisions made within those institutions. We must be accountable to our institutions. It is not an acceptable reply to say "I didn't do it, they did".

It won't be easy. You won't always prevail. You won't always be right but you will surely be wrong if, believing in a course of action, you do not attempt to make a difference.

Four lessons...Return to Eliot's words, "The reward of duty is the power to fulfill another". You have fulfilled a duty these past three years and carry with you the skills and lessons of that experience. In that knowledge is the power to fulfill another duty. Do not betray it or let it go for naught.

*The reward of duty
is the power to
fulfill another.*

—George Eliot

two more years in this job and then I will do what I *really* want", "Only five years until partnership", or "Six years before I get tenure".

How long can we defer real participation? If life is a series of mountains, at some point we had better start enjoying the journey. Start now. To be less than fully involved means less satisfaction for you; it will also mean that you will be less than lawyer you could be.

Lesson two concerns caring and values. Justice Grodin mentioned the necessity of integrating the person you were with the lawyer you have learned to be. Our second lesson observes the difficulty we have in that seemingly simple task of integration.

The first obstacle was your mental picture of how lawyers should act. Recall the first time you were called on in class to speak like a lawyer. You brought to law school common sense and a skill in speaking but those things flew out of your head when you tried to play a role. Remember that experience when you move in your new role up the courtroom steps.

There is more that impedes us in our efforts to integrate the individual self with the lawyer role. Denise Levertov speaks of a second obstacle in her poem "Intrusions":

*After I had cut off my hands and
grew new ones
Something my old hands had cared
for came and asked to be rocked.
After my plucked-out eyes had
withered and new ones grown,
Something my old eyes had wept for*



Though it bears some resemblance to the average Hastings student, this porcelain figurine is one of a hundred works on view at the SF Airport through January 6, 1983.

FOR WHO

by John Hughes

Nuclear Fiction

Alas Poore Country,
Almost afraid to know itself. It cannot
Be call'd our Mother, but our grave;
where nothing
But who knows nothing, is once seene
to smile:
Where sighs, and groans, and shrieks
that rent the ayre
are make, not mark'd: Where violent
sorrow seems
A modern Extasie: The Deadman's
Knell.
Is scarsd ask'd for Who, and good
men's lives
Expire before the Flowers in their Caps,
Dying, or ere they sicken.
William Shakespeare
Macbeth: IV, iii, 170

John Algren was staring out of the lounge window, thinking how different the plaza's sidewalks and sculpture looked with no one around. It was late Friday afternoon, and he felt uncomfortable in the quiet. He put his feet on the round slate table and went back to reading.

Six thousand miles away, two soldiers turned a red key, looked at each other's hard set face and said nothing. The order had come down and had been triple-checked. They had no choice. It was their job.

The missile rose slowly from the ground and then quickly into the air, angling north.

Algren watched the wind move the bushes next to the sculpture as the sirens started low and full, then rose to a wail.

Elizabeth Williams burst into the corridor as he was locking the door.

"I was just going to get you," he said as they ran into the basement, "I'm spooked."

Philip Cooper was cooking when the sirens came on. A civil defense radio station said to stay indoors and away from windows, turn off the gas, fill the tub, go to the basement and stay tuned.

Susan Murphy had finished her work and gone outside, feeling good in the sunshine and crisp air, anticipating the weekend. She was walking quickly, worried about the sirens, when the missile released ten separate capsules. A defensive missile detonated below them. Though a hundred miles away, the flash burned out her corneas before she could blink. She dropped to the ground, screaming; blind.

Moments later, in one of the capsules falling toward the city, plutonium bullets were fired into a plutonium sphere filled with hydrogen gas. Plutonium nuclei collided and shattered, instantly consuming the round sheath in an atomic explosion. The heat fused the hydrogen nuclei into helium, forming a tiny sun which burned out instantly, releasing its heat, light and gamma rays.

Five miles away, this flash gave Murphy third degree burns on her face and hands, and set her clothes and hair on fire. Below the burst, the buildings, earth and air turned into a ball of super-hot gas, creating a pressure wave which swept outward, pulling a large mass of air after it. The fireball shot

up, releasing radioactive dust.

Murphy was lying on the burning grass, shrieking with pain. After two seconds the shock wave ruptured her lungs and eardrums, and the wind hurled her up the hill and into a handrail.

Two more miles away, the coopers were in their basement, watching government announcements. There was a flash through the curtains, a window-shattering roar, a sharp pain in their ears, and a brief hurricane-force wind. They tried to quiet their children's screams.

Algren and Williams didn't see the flashes, but heard the explosion. They wept and listened to what sounded like a thunderstorm.

The Coopers listened to the wind and the growing crackling roar. The basement grew hot, and some smoke filtered in and clung to the ceiling. The fire spread into the room and burned

them to death.

Algren and Williams waited in the hot quiet blackness.

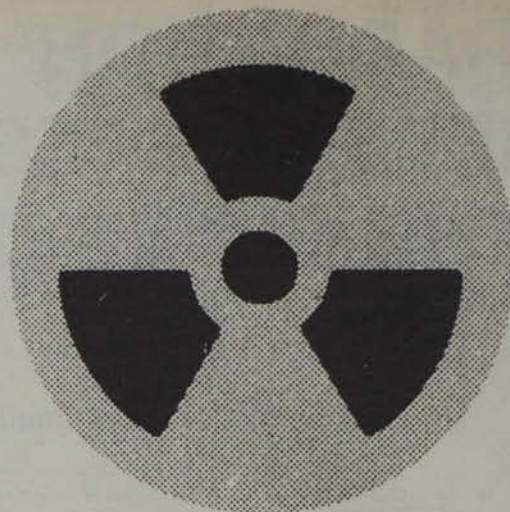
"I wonder if this will do it," she asked, "if there will be a World War Four?"

They held each other and fell asleep, dying from a lack of oxygen.

Broken gas lines and exposed wires had started thousands of fires, forming an updraft which pulled in fresh wind. This created a firestorm which consumed everything organic within twenty-five miles of the explosion.

By Monday, a billion people had died in agony from fire, crushings, glass cuts and radiation; within a month, ten million more.

The detonations depleted the ozone in the upper atmosphere, allowing lethal levels of ultra-violet radiation to reach the earth's surface. *Homo sapiens*, along with almost all other species more complex than the insects, went extinct.



\$75
DISCOUNT

EARLY ENROLLMENT DEADLINE

NOVEMBER 5

**\$75 off 1983, 84, 85 or 86 tuitions
plus free**

Professional Responsibility Program

barbri
BAR REVIEW

Contact Your Campus Representative
or call one of our offices:

Los Angeles: (213) 477-2542
San Francisco: (415) 441-5600
San Diego: (714) 236-0623

Announcements

The 2nd Annual National Conference of Asian/Pacific American Law Student Association is being convened at Hastings, Oct. 22 - 24. Special Workshops, speakers, and activities. Registration \$5.

"The Immigration Crisis: Its Impact on Jewish Immigration," workshops and speakers sponsored by the American Jewish Congress, Oct. 24, 10:30 AM - 3:30 PM, 601 - 14th Avenue, SF. Registration \$5.

Run the 6.2 Mile Turkey Trot to Benefit SF Neighborhood Legal Assistance Foundation. November 21, Sunday, 10 AM at Golden Gate Park. Info: 433-2133.

The "Infamous" Public Interest Law Association (PILA) of Hastings is having an Autumn Potluck on Oct. 24, Sunday, 5:30 PM. Contact Mark - Locker 1002 or come to 1333 5th Avenue. Take N-Judah bus. Help create a Hastings Public Interest Law Program and Clinic for the new century.

The League of Women Voters of SF invites you to a "Meet the League" reception on Oct. 27, 5:30 - 7:30 PM. Gallery One, 565 Sutter Street. For info: 986-0480.

Network Meeting: Disability Rights Education and Defense Fund, Inc. Nov. 5, Friday 10 - 12, 1111 Jackson, Oakland. Info: 464-0439.

Health Law Essay Contest: Open to law students. \$500, \$250, and \$100 prizes. Dec. 1 deadline. Info: Norman Nelson, ABA, 1155 E. 60 St., Chicago 60637.

International Law Opportunities: Membership in the American Society of International Law open. Contact ASIL, 2223 Massachusetts Ave., NW, Washington, DC 20008.

VOTE!! November 2, Tues. ELECTIONS. Note - Prop. 11: Should refundable deposits be required for beer and soft drink containers?

Prop 12: Should the Governor urge U.S. officials to propose that our country and the Soviet Union put a freeze on nuclear weapons?

HASTINGS MIND SCAN SURVEY #1

What is the most unusual interview question you have suffered through? What was your witty response (if any)?

What disappoints you most about Hastings?

What anecdotes or quips from your professors do you feel are worth placing in the annals of the Law News?

What would you be doing if you were not in this God-forsaken place called "Hastings College of the Law"? (No essays, please!)

What do you find annoying about your classmates? How do you differ?

Circle: 1st 2nd 3rd (year student)
Male/Female

I consider myself:
Leftist/Liberal/Moderate/Indifferent/Conservative/Rightist/Boring

(Submit answers to Law News box in Student Info Office)

Prop 13: Should our state water laws be changed to mandate conservation of surface and groundwater supplies?

Prop 14: Should reapportionment be taken from the legislature and given to an appointed commission?

Prop 15: Should handguns be registered? Should the number of handguns be frozen?

Governor and US Senator races.

Tenderloin Housing Clinic will gladly train students in landlord - tenant advocacy. Info: Pat, 668-2311 (eves). Flexible hours.

Hastings Bridge Club Potluck and Bridge Evening, Friday, Oct. 29, 6-ish. Contact Steve, #316. All levels are welcome.

Live Band & Disco Dance to benefit Mission Community Legal Defense (MCLD), Saturday, Nov. 6, 8 PM - 1:30 AM at Fort Mason, Bldg. A. Info: 552-3910.

\$360 - \$760 GRADUATE STUDENT RESIDENCE McALLISTER TOWER

100 McAllister, San Francisco
Splendid Views

Central Location
Close to BART/MUNI
24 Hr. Security
Studios, 1 Br., 2 Br
Utilities Included

Call For Appointment
557-0985

ISRAEL EDUCATION DAY

Sunday, Nov. 14, 1982
10 AM to 6 PM
at S.F. State University
Student Union

- Keynote speakers
- workshops covering a full range of topics, from cultural and social aspects of Israeli life, to Israel's present political situation.
- Israeli wine-tasting

For info, call 333-4922
or 751-6983

(registration fee)

Arts & Leisure

LECTURE

Quentin Crisp, British author of *The Naked Civil Servant*. Oct. 29, Fri. Noon, Cole Hall Auditorium, 513 Parnassus Ave. Free.

FILM

Bay Area Canadian Film Festival Oct. 29 - Dec. 13. Info: Canadian Consulate General 981-2670.

Soldier Girls, Oct. 29, Fr. 6:30 and 8:30 PM, Cole Hall Auditorium, 513 Parnassus Ave. \$2.25, \$1.75, \$1.25.

GALLERIES

Urban Obsessions: Drawings by four of the Bay Area's most innovative architects. Oct. 14 - Nov. 14, Tues. through Sat. 10:30 AM - 5:30 PM, Phillippe Bonafont Gallery, 2200 Mason.

THEATRE

The Vienna Notes by Richard Nelson. Berkeley Stage Company, 1111 Addison St., Berkeley; playing until Nov. 6. Info: 548-4728.

Helen Dannenberg Presents: A Cast of Thousands, An Evening of Theatre and Dance. Nov. 11, 12, 13. 8:30 PM. 1590 15th St., (Mission). Reservations: 863-9834.

MUSIC

The Pointer Sisters, Nov. 7, Sun., 8 PM, Zellerbach Auditorium, UC-Berkeley. 642-9988.

The Clancy Brothers, Nov. 20, Sat., 8 PM. Zellerbach Hall, UC-Berkeley. 642-0212.

HASTINGS BOOKSTORE

- CASEBOOKS
- OUTLINES
- HORNBOOKS
- NUTSHELLS
- SUPPLIES
- PEG'S WORLD-FAMOUS HOSPITALITY
- NO BOOKSTORE MORE CONVENIENT!

DOWNSTAIRS — 200 McALLISTER

A HANDICAPPED STUDENT AT HASTINGS: PROFILE

By Reuben Togiai

Well, I'm a third year student now. At the age of seventeen I became disabled, as a result of Arnold Chiari Syndrome. I thought my life was over and that I would spend the rest of my life sitting at home or at a nursing home just waiting for the end. Now, ten years later, here I am. I can hardly believe it myself.

Becoming a quadriplegic after seventeen years of being a sports nut, was real difficult.

Try to imagine what life would be like if you woke up one morning unable to use your arms or your legs. Even the simple things in life, such as scratching your face or putting on a shirt, become monumental hardships. Your first response is to contemplate suicide. However, like many others before you, once you've overcome this initial shock, then you can start your life again...as a Quad!!

In college, with the help of family, friends and classmates, I came to accept the new circumstances and made the needed adjustments. These adjustments included a drastic change in my mental outlook on life. I had to erase negative thinking. Instead of the "I can't" attitude that was embedded in my mind, my only chance at overcoming the obstacles before me was through thinking positively. Even when circumstances didn't appear too encouraging, I told myself that the failures or setbacks were all good for me and they would be helpful in the long run.

As 1976 drew to a close, my year's

experience at San Jose State University did me a lot of good. Instead of spending my days watching T.V., looking out the window and just sitting in my wheelchair, I had managed to earn thirty credits. The grades were encouraging and I really began to believe that I could do something. I wasn't as helpless as I had previously believed.

At Hastings, my ability to adjust my methods of studying was put to the test. Since I was living alone, my text books were laid out around me where I could turn the pages by using a long stick. When reading, I often just wanted to underline or make notations along the margins, but it was impossible.

Problems sometimes arose when I accidentally knocked down the stick, either from sneezing or fatigue. When that happened, I couldn't study since I couldn't turn the pages. I couldn't even operate my special push button telephone to call for help. But instead of getting upset like I used to, I would just wait until my next helper showed up to help me at night. Being a Quad requires lots of patience. Since I couldn't read without my sticks, I would spend the rest of the time mentally reviewing those concepts that I had learned.

At other times, when I felt I didn't understand certain terms I would call certain friends and they always took the time to read definitions from "Black's Dictionary".

As a handicapped person I can deal with problems and obstacles that I've

already encountered. Like many other disabled people, what really rattles me is when I face a new obstacle. Believe me, everyday is a challenge. I often ask myself: "What new adventure will I meet today?"

There are only a few things I don't like about being in a wheelchair. On rainy days it's hard to cross the streets because the sewer backs up to where the curb cut is. Winos always come up and ask for spare change, calling me "brother" ... they don't discriminate, they'll take money from *anybody*. People always seem to say hello by either patting or rubbing my head instead of offering me a handshake (strange, eh?) Alas, whenever I enter an elevator, everyone looks down at me!

As for the future, my experience in law school has opened up a whole new world. In college, I began to have hope again, and now, thank God, those hopes and dreams appear more and more possible. As a freshman I adopted as my motto the words of Socrates, "A life without purpose is meaningless." My life is not meaningless. I'll be equipped with the legal skills and faith to lead a normal productive life.

I have many goals. One of them is to become one of the very best trial attorneys in Hawaii. It feels good to know that I'll be able to help *someone else*. Another goal is to be really active and committed to Christian service to people. This has always been a big part of my life and now it's more important than anything else in this world. Finally, I'm not sure why, but I want to support any cause that would enhance the rights of the handicapped. I can't quite understand why I have such a strong affinity for these people! You see, handicapped people make me nervous, just as they would to many of you.

B.A.T.C.H. from page 1

ciates and tends to hire laterally in order to acquire lawyers with tax backgrounds and advanced degrees. thus, noted Levinson, possibilities of entry-level positions are slim.

Susan Foley, the third speaker, practices law in the small San Francisco tax firm of Winoker, Maier, Zang and Carico. She discussed the practice of law in a small tax law firm. Foley noted several advantages to working in such a firm, including personal and professional independence, a voice in the firm matters, large salaries, and, most important to Foley, individual client contact.

"For me, the people are the pleasure of the law," she said.

Jobs in small tax firms, while difficult to find, are not nonexistent, and according to Foley, advanced degrees and accounting experience are not essential.

The last panel member was Scott Thomas of Brobeck, Phleger & Harrison, a large law firm with a large tax department and offices in several major cities. Thomas said that starting salaries at Brobeck range from \$35,000 to \$42,000 and that although academic credentials and past experience are important, a person's ability to get along with other lawyers and clients is also sought at Brobeck. Tax practice at Brobeck is very diverse. It includes work with large and small corporations as well as the full range of business and tax problems, Thomas said.

What is the secret of a successful tax lawyer? According to Thomas, it is one who can save his clients more in taxes than they owe their attorneys. In a sense, it is an attorney who lets Uncle Sam pick up the tab.

LAKE'S

if its legal...

...we sell it

THE bookstore serving Hastings Students and graduates for over 50 years!

At Lakes not only do we sell student books, but we are also a major supplier of used law sets. Acquainting yourself with Lakes while at Hastings will be the beginning of a long business relationship. Many students initially become familiar with us through their parents, who have patronized Lakes for years. Longevity of that nature is unusual for any business. We have always relied on serving our customers with personable and knowledgeable service. The store is managed and operated by law students, who know your needs and in most cases can give first hand recommendations. Stop by; long term customers are our goal.

Larry Lake

Sum & Substance

Legalines, Smith's Review

Rubens, Gilberts

Casenote Legal Briefs

Emanuel Law Outlines

Casebooks & Hornbooks

142 mcallister st. san francisco ca 94102

415-863-2900



JOIN THE NORTH OF MARKET COALITION

The North of Market Planning Coalition is a neighborhood group dedicated to preserving and enhancing the Tenderloin as a residential community, an affordable place for low-income people to live.

The Coalition was created by a 13-member steering committee in 1977 and initially funded by the San Francisco Foundation.

Today we're a nonprofit corporation with a 21-member volunteer Board of Directors. Entirely supported by private foundations, membership and in-kind contributions, a growing membership of over 200 serve as an advisory body, community forum, and as advocates for our community's needs.

Many local and VISTA volunteers augment our permanent staff of two. Membership



is open to everyone who lives in the North of Market Area... and to everyone interested in improving the life of this neighborhood for low-income people.

SETTING NATIONAL PRECEDENTS

Since the North of Market Planning Coalition office opened in April, 1980, we've:

- Won compensation from luxury hotel chains building in the North of Market neighborhood for low-income housing and jobs for Tenderloin residents... a national precedent;

- Submitted a rezoning application to the city requesting redesignation of 35 Tenderloin blocks from commercial to residential use and reduction of height limits;

- Helped nonprofit tenant groups and social service organizations buy and develop new low-cost housing;

- Worked closely with the Mayor's Office, representing the community in low-income housing acquisition and renovation programs;

- And provided information and skills workshops for the Tenderloin community's benefit.

WHAT WE CAN DO FOR YOU

If you'd like to feel more at home in the Tenderloin, if you agree that North of Market residents should have a democratic voice in top-level decisions that can change their neighborhood and their lives, the North of Market Planning Coalition is working for you.

We organize around specific issues addressing neighborhood needs and negotiate with City officials, developers and landlords.

Through using the resources of NOMPC, neighborhood residents have been able to learn of the latest developments and put their own ideas into action.

And of course we help low-income residents help themselves by coordinating all our efforts with other neighborhood organizations serving the Tenderloin.

For more information about our work... and how you can join us... please call (415) 474-2164. Or write us at 295 Eddy Street, San Francisco, CA 94102.

Ask us what we can do for you, and what you can do for yourself.



FORWARD

continued from page 1

Kevin Maynard coordinated the work of the Tenderloin Housing Clinic. He helped counsel more than 140 new clients last summer, continued to help the Clinic's clients in open cases, helped prepare court documents, and answered inquiries on all aspects of landlord/tenant law. Kevin and the Clinic's volunteers helped the Clinic's clients represent themselves in court.

Trisha Thompson received a grant to work with Senior Adults Legal Assistance (SALA). SALA, founded in 1973, provides legal representation for individuals and produces public education programs on the problems of the elderly. Trisha assisted clients who have been attacked, cheated or duped into signing away rights.

In one case, Mrs. E., was repeatedly harassed by her former husband. SALA took Mrs. E.'s case because she could not afford a private attorney. SALA obtained a temporary restraining order and an injunction against the husband and helped Mrs. E. make arrangements for replacement of the property he had taken.

Polly Marshall, with the help of a PILF summer grant, created a comprehensive manual on eviction defense in San Francisco. The manual is a practical guide to local ordinances, city

administrative procedures, Municipal Court practices, and Sheriff eviction procedures. The manual was compiled from information gathered in extensive interviews with tenant attorneys and city administrators and will be used by attorneys who staff legal aid projects such as the Legal Services Project.

PILF believes that its expenditures of \$2000 to fund last summer's projects was an important contribution to public interest law in the Bay area and that the success of these projects will provide a strong base for its fall membership drive. It hopes to equal the size of its model, the Berkeley Law Foundation (BLF) which distributes approximately \$50,000 annually and has been able to fund several major projects.

As PILF grows, its impact will correspondingly increase. As President Tom Giller pointed out, "With over twice as many students and alumni as Boalt Hall, there is no reason why we cannot meet and exceed their (BLF's) level of funding."

How PILF will grow

PILF's directors feel that a "big jump" in membership will take place over the next two years. Treasurer Grant Kim said that if membership continues to grow at the present rate, PILF's revenues should double this year. If members from the classes of 1982 and 1983, presently the largest membership group, continue to contribute as they enter their careers, PILF's income should multiply tenfold, Kim said.

This fall, PILF will concentrate on

developing its student membership by counting on its members to introduce their friends to the organization. It is hoping to attract a new "core" group from the class of 1985.

New Board members

PILF's Board members include Hastings students and alumni, public interest attorneys, and members of the community. Among the new group elected at the Oct. 12 meeting are:

— Julianne Malveaux, an M.I.T. economist and writer, currently conducting a study of the "Human Costs of Fiscal Conservatism."

— Laura King, a staff scientist with the Natural Resources Defense Council.

— Joseph Axelrod, Professor of Humanities at San Francisco State University, and a member of various academic and community organizations; — Trina Ostrander, co-director of the Public Interest Clearinghouse.

— Hastings Professor Howard Downs will serve as Faculty Advisor and his participation will enhance communication between PILF and the College.

Current PILF Board members are: Chairman John Lande ('80), attorney and mediator, Sam Yee ('78) of San Francisco Neighborhood Legal Assistance (SFNLAF), Winnie Chu of Chinatown-Northbeach Family Planning, Carl Oshiro ('76), of the California Public Utilities Commission, and attorney Luann Martilla ('78).

PILF's goal is to make "justice for all" a reality in the Bay Area.

STUDENT DORMITORY REVIEW

continued from page 1

stantly ringing during her finals and one roommate was practicing singing Opera for several hours a day. The student apartments should be much more quiet, as everyone will be studying!

There were favorable comments on the amount of security, the quick maintenance service and the helpfulness of the building management.

Shopping for food was no problem. Most people just walked a few blocks to a market, or took a direct bus or metro to a market or went to the Farmer's Market held Sunday near the Tower.

Some residents commented that the price of the apartments was a little steep, but considering security, newness of the apartments, and savings by not having to pay for a bus pass or utilities, it was worth it. Two students can save money by sharing a studio. One gets the room and the other gets the walk-in study-in and sleep-in closet.

The mail chute didn't work; one person commented that mice had been apprehended in one room and a few people commented on hearing gunshots in the neighborhood. But, other than that, the residents of McAllister Tower seem happy with their decision to live there. After all, living in the neighborhood has its advantages. You won't be distracted from studying!

DESTINY: ADMISSIONS from page 1

The admission of a diverse student body depends entirely upon two critical factors: (1) admissions policies and procedures and (2) the genuine commitment to diversity by persons responsible for the selection process.

Last year a faculty committee set out to develop a new Admissions Policy Statement (APS). The committee held a few open meetings to explain its proposals and to solicit student comments and counterproposals. Both faculty and students worked long hours preparing proposals. In the end the committee entertained not one student proposal. It did, however, set forth clear guidelines: approximately 55% of the entering class (20% for the previous year) would be admitted *solely* on numerical criteria—a combination of GPA and LSAT scores; approximately 25% would be admitted on the basis of balancing numerical criteria, recommendations, personal statements; and other indicia; approximately 20% would be admitted under LEOP, also evaluated based on qualitative and quantitative factors.

Now, one wonders what intent the committee had when it revised guidelines and put a heavier reliance on scores, restricting the numbers of people coming in on a comprehensive evaluation. Well, ponder no further; the APS' goals were disregarded in practice. Unfortunately many applicants meeting only numerical criteria were offered admission. In effect 80% of the first year class was admitted solely by numerical criteria. (That's right, the personal statements all of you

so carefully prepared and which were so carefully read by faculty and students became a *non-factor* in admitting 80% of you.)

GPA and LSAT — How do these numerical criteria insure diversity in our student body? How does the decision to admit based merely on numerical factors demonstrate a commitment to diversity? The higher goal of building the public confidence in law by selecting people willing to return to communities from whence they came cannot be achieved via computer non-discretion and surely not from debasing the value of other admissions criteria.

A poll of last year's student evaluators on the Admissions Committee shows a fear that LEOP slots are being filled with unqualified students whose "disadvantage" are in question. Incomplete files (without evidence or statement of disadvantage) may have been allowed through because the process merely lets *anyone* that checks a box on the admissions application for LEOP to be considered. Satisfying the APS threshold tests thus suffers from this major defect. It defeats the intent of LEOP when students lacking genuine disadvantage displace those which the program seeks to admit. Furthermore it makes a mockery of the APS and its policy claims.

Diversity has traditionally been a high priority for Hastings and it must continue to be given high priority.

What do we do as concerned students?! I wish to note that at last year's graduating class ceremonies, 35% to 40% of the graduates wore red armbands to indicate their displeasure with the Administration's *retreat* from diversity (e.g. lack of commitment to public interest law, retrenchment in Affirmative Action, the undermining of LEOP via new policies that hurt the success of its implementation.)



SALMAGUNDI

Gourmet Soups and Quiche served in the company of the Great and Near Great of the legal world.

39 GROVE STREET

"MIDWAY BETWEEN THE COURTHOUSE AND THE JAIL"

David Rousseau



SAN FRANCISCO SERVICES
WORD PROCESSING

1402 Hyde Street, San Francisco, CA 94109
Telephone (415) 776-5598

COMPLAINTS OUTSTANDING

THOMAS W. POLLIAM, JR.
SAN FRANCISCO NEIGHBORHOOD
LEGAL ASSISTANCE FOUNDATION
870 Market Street - 11th Floor
Telephone: (415) 433-2535

Attorneys for Plaintiffs

FILED

San Francisco County Superior Court

JAN 25 1981

CARL M. OLSEN, Clerk
BY H. E. SCHLINGER, III
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT 20

RICHARD McKEON, et al.,)	Civil No. 737100
Plaintiffs,)	
HASTINGS COLLEGE OF THE LAW,)	PLAINTIFFS' CLOSING
et al.,)	TRIAL BRIEF
Defendants.)	

PRELIMINARY STATEMENT

As defendants have pointed out, "[i]t has been said that in life, timing is everything."¹ So it is with this case. Between October 1, 1972 and October 21, 1977, 821 persons moved from residential buildings acquired by defendant Hastings College of the Law ("Hastings") for its Law Center Project.² Of these 821 approximately 810 moved prior to April, 1977.³ When did Hastings hire its first relocation counselor? Not until April, 1977.⁴ When did Hastings begin to look for these 810 persons who had moved? Not until April, 1977.⁵ When did Hastings begin to interview

tenants to determine their needs for replacement housing? Not until Spring, 1977.⁶ When did Hastings begin notifying tenants that although Hastings had bought the buildings, those tenants would not be required to move? Not until June 20, 1977.⁷

Hastings is obligated to assure the availability of comparable replacement housing⁸ for each person who moves as a result of its acquisition of those five residential buildings⁹ and Hastings "provide such comparable replacement housing whenever it is made available as needed."¹⁰

SARAH J. JONES
ESTHER J. PUGH
JOSEPH B. BROWN
155 Montgomery Street, 8th Floor
San Francisco, California 94104
Telephone: (415) 433-6830

Attorneys for Defendants

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN FRANCISCO

PUBLIC INTEREST LAW ASSOCIATION; ASSOCIATED STUDENTS OF HASTINGS; LA RAZA LAW STUDENTS ASSOCIATION; BLACK AMERICAN LAW STUDENTS ASSOCIATION; ARABIAN LAW STUDENTS ASSOCIATION; CLARA LOMAY WOMEN'S GROUP; HASTINGS ENVIRONMENTAL LAW SOCIETY; NATIONAL LAWYERS GUILD; HASTINGS CHAPTER MEXICAN AMERICAN POLITICAL ASSOCIATION; GRAY MATRONS OF SAN FRANCISCO, INC.; and SUSAN HARTLEY, PAULA KATZ, STEVEN DERNICK, BETTY HANSEN and ANTONIA SCHAPPERT, individually and on behalf of all others similarly situated,)	Plaintiffs,
vs.)	
HASTINGS COLLEGE OF THE LAW; THE FACULTY OF HASTINGS COLLEGE OF THE LAW; MIGUEL de CARRILLOS; R.D. BROWN; LEO KANOWITZ; ARTHUR H. SHERRY; and DOES 1 through XCIX,)	Defendants.

By: 762365

SECOND
AMENDED COMPLAINT
FOR MONEY DAMAGES,
DECLARATORY RELIEF
AND INJUNCTIVE
RELIEF

PRELIMINARY STATEMENT

This is a class action for fraud and deceit and for breach of contract arising out of defendants' failure to implement

a public interest law center program incorporated in Hastings College of the Law ("Hastings") that defendants had previously, in both written and oral statements, would be a part of the curriculum at University of California, Hastings College of the Law in 1972-73. The following school years plaintiffs and students and students are enrolled at Hastings College of the Law, and the Mexican American Political Association and the Gray Matrons of San Francisco, Inc. Defendants are the Hastings College of Law, Inc. and its officers, agents,

A Copy Center Where Quality Is A Difference

Fast • Accurate • Dependable • Offset Quality
Professional Staff • Copy/Report Centers

THE CARBON ALTERNATIVE, INC.
OPEN EVERY DAY
276 Golden Gate
(at Hyde-Civic Center)
928-2679

SPECIAL HASTINGS STUDENT RATES
5 cents Self Service
Self-Service Enlargements
Report Binding
Specialty Papers
.....and more

Copies
Color Copying
Copies from Slides
Largesize Copying
Hourly Typewriter Rental

COPIES